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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PREVIL, DANIEL

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,836

Applicant(s)

COLE ET AL.

Examiner

Daniel Previl

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) 4-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date 11/2/05
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-13 are presented for examination. Upon Election/restriction, claims 4-13 are withdrawn from examining.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-3, drawn a method of providing point of purchase display, classified in class 705, subclass 27.
 - II. Claims 4-13, drawn to doorbell with decorative cover, classified in class 340, subclass 392.1.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions such as Group I is directed to a method of presenting for sale, providing a point of purchase display upon display to provide a visual comparison for customer and Group II is directed a doorbell for producing an audible signal and a decorative cover for covering base.
3. During a telephone conversation with James Hall on November 2, 2005 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-3. Affirmation of this election must be made by applicant in replying to this Office action. Claims 4-13 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Objections

4. Claims 1-3 are objected to because of the following informalities: the phrase "able to" is not a positive limitation but only require the ability to so perform. Appropriate correction is required.

Claims 2-3 are objected for the same reason since they depend from an objected claim.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "said completed item" in line 10, there is insufficient antecedent basis for this limitation in the claim.

Claims 2-3 are rejected for the same reason since they depend from a rejected claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albritton et al. (US 6,750,760) in view of Sejzer (US 5,243,504).

Regarding claim 1, Albritton discloses a method of presenting for sale a plurality of doorbell subcomponents able to be assembled into a completed door bell, at least some of subcomponents each having a plurality of different interchangeable forms (abstract) comprising: allowing customer to access the display wherein the customer selects a preferred assembly of completed item (col. 3-20); selecting a form of subcomponent from a sample on the display (a user can select from two or more housing covers) (col. 13, lines 11-15); selecting one or more other forms of a subcomponent (covers) from other samples on the display to complete completed doorbell (col. 13, lines 3-20).

Albritton discloses all the limitations above but fails to explicitly disclose the step of providing a point of purchase display, display including a representative sample of each form of each of the various subcomponents for sampling by a customer and a different product identifier associated with each sample; separating each sample from another sample upon display to provide a visual comparison for customer.

However, Sejzer discloses providing a point of purchase display, display including a representative sample of each form of each of the various subcomponents for sampling by a customer and a different product identifier associated with each sample (fig. 1; col. 3, lines 58-68; col. 4, lines 1-15);

separating each sample from another sample upon display to provide a visual comparison for customer (fig. 1; col. 1, lines 57-63; col. 2, lines 44-55; col. 5, lines 5-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Sejzer in Albritton. Doing so would have provided the system with the capability of attracting consumer attention to articles being sold or marketed thereby allowing the sellers of selling their products quickly while permitting consumers to save time as taught by Sejzer (col. 1, lines 8-10).

Regarding claim 2, Albritton discloses product identifier associated with each selected form to purchase the form assembly (col. 2, lines 35-51).

Regarding claim 3, Albritton discloses subcomponents include a chime base and a decorative cover for attachment to the chime base, chime base and cover each available in a plurality of different interchangeable forms, whereby different doorbells may be assembled by combining different ones of chimes bases with different ones of the covers (fig. 4; col. 2, lines 35-60).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Forrest et al. (US 6,658,771) discloses a replaceable indicia panel for merchandising bin.

Goss et al. (US 4,142,216) discloses an aural-visual product display.

Albrecht (US 5,159,328) discloses a point of purchase illuminating display.

Lusareta et al. (US 5,883,570) discloses a decorative door bell actuator.

Lin (US 5,659,286) discloses a doorbell base.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is (571) 272-2971. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Previl
Examiner
Art Unit 2636

DP


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